



WWSM 2473
REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Chun Yuen To
Serial No.: 09/725,788
Filed: November 29, 2000
Confirmation No.: 1169
Original Patent No.: 5,842,807
Original Issue Date: December 1, 1998
For: RING BINDER
Examiner: Mark T. Henderson

Art Unit: 3722

August 9, 2004

LETTER TO THE PATENT AND TRADEMARK OFFICE

TO THE COMMISSIONER FOR PATENTS,

SIR:

Applicant gratefully acknowledges receipt of the Notice of Allowance and Fee(s) Due (hereinafter "Notice") dated June 14, 2004. Applicant makes the following comments in response to statements made by the Examiner in the Notice.

I. Comments on Examiner's Reasons for Allowance

Regarding the Examiner's statement of reasons for allowance, it is noted that the Examiner's statement bridging pages 2 and 3 of the Notice includes a listing of features included in one or more of the allowed claims. It is particularly noted that the one or more claims to which each listed feature(s) applies is cited in parenthesis after the listed feature(s). Accordingly, features included in the list but not included in a particular claim should not be read into that claim merely because they are in the Examiner's list. Moreover, Applicant emphasizes that each independent claim (1, 18, 19, 28, 29, and 30), and each claim depending therefrom, is individually patentable over the prior art and that such patentability is not dependent on any features not expressly recited therein.

In addition, it appears that the Examiner inadvertently omitted a parenthetical citation to independent claim 19 in the list of features. In particular, the feature in the list requiring "wherein the securing elements each have a free end located at an end of the securing fastener farthest from the engagement portion" is only included in claim 19.

It is additionally submitted that reasons for the allowance of claims 1-17, 18, and 28-30 are the same as the reasons submitted by Applicant on March 23, 2004 in a letter to the Patent and Trademark Office entitled "Letter To The Patent And Trademark Office."

II. Comments regarding U.S. Pat. No. 2,512,415 (Buenger, et al.)

At page 4 of the Notice, the Examiner states that Buenger, et al. "is considered the closest prior art to the claims... ." Applicant does not believe Buenger, et al. is particularly more relevant than other art of record. The Examiner's description of Buenger, et al. is unclear. Buenger, et al. shows a spacer positioned in engagement with an underside of a cover plate of a loose-leaf binder. The spacer is not physically attached to the cover plate, but fits over a separate rivet for supporting the rivet and cover plate above a base. One end of the rivet is secured to the base and passes through an opening in the base while a second end of the rivet engages and attaches directly to the cover plate, securing the binder to the base. The spacer is located between the two ends of the rivet, but is not located in between the second end of the rivet and the cover plate.

Buenger, et al. does not show or suggest, among other things, a fastener that is integral and capable of securing a binder to a base member where the fastener includes an engagement portion in direct engagement with a cover plate of the binder and

further includes securing elements extending away from a longitudinal axis of the engagement portion.

III. Comments regarding Examiner's Interview Summary Record

Applicant concurs with the Examiner's description of the May 12, 2004 telephone interview between Examiner Henderson and Attorney Andrew Claerbout. In that interview, Attorney Claerbout informed Examiner Henderson that the original patent certificate for U.S. Pat. No. 5,842,807 had been surrendered to the Patent and Trademark Office and was enclosed with Applicant's March 23, 2004 response entitled "Letter To The Patent And Trademark Office." While the interview generally pertained to claims 1-30, there was no substantive discussion of the content of the claims and the scope of the claims was not altered.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kurt F. James". The signature is fluid and cursive, with the first name "Kurt" being more prominent.

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